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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji Hayashi  
Serial No. : 09/718,155  
Filed : November 21, 2000  
Title : CONTROLLER FOR DATA RECORDER  
Art Unit : 2653  
Examiner : Tan X. Dinh

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY TO ACTION OF NOVEMBER 5, 2004

In reply to the Office Action of November 5, 2004, Applicant submits the following remarks.

The Examiner has provisionally rejected claims 1-3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending Application No. 09/717,772 (the '772 application). The Examiner has also provisionally rejected claims 4-7 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-7 of the '772 application. Further, the Examiner has provisionally rejected claims 8-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 8-10 of the '772 application. Finally, the Examiner has provisionally rejected claims 11, 12, and 13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 12, and 13, respectively of the '772 application. As the Examiner states, these rejections are provisional obviousness-type double patenting rejections because the conflicting claims have not in fact been patented.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 2, 2005  
Date of Deposit

MJH  
Signature

Melissa Krussel  
Typed or Printed Name of Person Signing Certificate

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Attorney's Docket No.: 10449-  
026001 / P1S2000215US

To address the provisional obviousness-type double patenting rejections, we are submitting herewith an unsigned terminal disclaimer that the applicant (or his representative) are prepared to execute if the '772 application proceeds to grant prior to allowance and grant of the claims in the instant application.

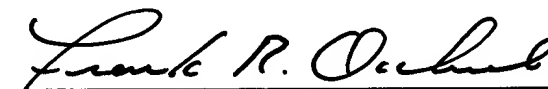
There being no other rejections, we submit that the application is now in condition for allowance, which action is requested.

If the Examiner would like to discuss this rejection and applicant's proposed terminal disclaimer he is invited to call the undersigned.

No fee is believed to be due. Please apply any charges or credits to deposit account 06-1050, referencing Attorney Docket Number 10449-026001.

Respectfully submitted,

Date: February 1, 2005

  
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